

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRINKS GLOBAL SERVICES USA, INC.,

Plaintiff,

-against-

BONITA PEARL, INC., et al.,

Defendants.

22-CV-6653 (PGG) (BCM)

ORDER REGARDING SANCTIONS

BARBARA MOSES, United States Magistrate Judge.

By letter dated May 19, 2023 (Pl. Ltr.) (Dkt. 164), plaintiff Brink's Global Services USA, Inc. asks the Hon. Paul G. Gardephe, United States District Judge, for leave to file a motion for sanctions, pursuant to Fed. R. Civ. P. 37(b)(2)(A), for defendants' "repeated and persistent violations" of the Stipulated Confidentiality Agreement and Protective Order (Prot. Order) (Dkt. 108) entered on February 21, 2023. *See* Pl. Ltr. at 5. By letter dated May 24, 2023 (Def. Ltr.) (Dkt. 166), defendants oppose both "the requested authorization and any sanctions motion." Def. Ltr. at 1.

Plaintiff's letter-motion is within the scope of my reference (*see* Dkt. 129), and within my authority to resolve pursuant to 28 U.S.C. § 636(a)(b)(1)(A) and Fed. R. Civ. P. 72(a). It is governed by Local Civil Rule 37.2 (covering motions "under Rules 26 through 37 inclusive of the Federal Rules of Civil Procedure") and is therefore construed as a request for a conference. It is also subject to my Individual Practices, which require, *inter alia*, that the moving party first meet and confer in good faith with the opposing parties "in an attempt to resolve the dispute" and certify that it has done so. *See* Moses Ind. Prac. § 2(b). Additionally, the moving party must succinctly state not only the "basis of the dispute" but also "the relief sought." *Id.*

Here, plaintiff's letter-motion makes no mention of the required attempt to resolve the dispute through negotiation. Nor does it state the nature of the relief sought (beyond a general

reference to "significant, but non-terminal sanctions," Pl. Ltr. at 5). Consequently, the motion is DENIED without prejudice to renewal in compliance with Local Civ. R. 37.2 and Moses Ind. Prac. § 2(b).

The parties are reminded that it is the practice of this Court to resolve requests for discovery-related relief, including sanctions, based on the parties' pre-conference letters and – if a conference is scheduled – any additional argument presented at that conference. Where non-terminating sanctions are at stake, leave to file a formal noticed motion is the exception, not the rule.

The Clerk of Court is respectfully directed to close the motion at Dkt. 164.

Dated: New York, New York
June 15, 2023

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge